

REMARKS

Claims 24-50 were previously pending. Claims 33, 34, 43-47 and 50 were withdrawn from consideration in response to a restriction/election. Claims 24-32, 33, 35-42, 48 and 49 were examined and rejected.

By this Amendment and Response, claims 24 and 28 have been amended to clarify that the claimed scaffold is positioned at and extends distally beyond the distal end of the delivery wire. Additionally, new claims 51 and 52 have been added. Support for the claim amendments and additions is found throughout the specification and drawings. Accordingly, no new matter has been added. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

Rejections under 35 U.S.C. §102(b)

Claims 24-32, 33, 35-42, 48 and 49 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Halpern (US 5,749,883).

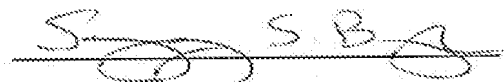
As amended, the claims clarify that the scaffold extends distally beyond the distal end of the delivery wire. The Examiner equates the actuating element 7/13 of Halpern to the claimed delivery wire. The distal end of the delivery wire 7/13 is connected to the distal end portion 3/14 of tube 1/11 which in turn is affixed to the distal end of the scaffold 5/12. In this way, actuating element 7/13 extends through the interior of scaffold 5/12. Thus, by definition, the scaffold 5/12 does not extend distally beyond the delivery wire 7/13. Further, Halpern teaches away from the scaffold extending distally beyond the distal end of the delivery wire. Halpern explains that by pulling on the delivery wire 7/13 the distal end portion 3/14 of tube 1/11 is displaced toward the proximal portion of the scaffold 5/12 thereby expanding it radially. In order to effect such actuation/expansion of the scaffold, the distal end of the scaffold must be affixed to the distal end of the delivery wire 7/13. Halpern does not disclose any other way to expand/actuate the scaffold. Accordingly, Halpern neither anticipates nor makes obvious the claimed invention. Withdrawal of the rejection and allowance of the claims are respectfully requested.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the appropriate fee and/or petition is not filed herewith and the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to Deposit Account No. 50-3973 referencing Attorney Docket No. NGMDNZ00100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



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